REMARKS

In response to the Official Action of October 2, 2007, claims 1-11, 14 and 16-18 have been amended and claims 24 and 25 are newly submitted.

Claim 24 corresponds to originally submitted claim 1, but presented so as not to use reference numerals or means plus function terminology.

Claim 25 corresponds to amended claim 1, but is written using means plus function terminology.

The amended claims are presented so as not to make reference to reference numerals and not to use means plus function terminology.

Claim 1 has been amended to recite an apparatus comprising the recited elements without specific recitation of a 3D magnetometer.

Claim Rejections - 35 USC §102

At page 2, claims 1, 4-10, 14, 15 and 19-23 are rejected under 35 USC §102(e) as being anticipated in view of US patent application publication 2003/0135327, Levine, et al (hereinafter Levine).

With regard to originally submitted claim 1 which is now presented as mobile electronic system claim 24, it is asserted that Levine discloses output means enabling a presentation of information to a user of said mobile electronic system, a 3D magnetometer and processing means processing data provided by the magnetometer for enabling a posture related presentation of information via the output means, including selecting one of at least two different modes of presentation based on said data provided by said 3D magnetometer. Reference is made to Figure 1, elements 110 and 120 and paragraph [0102] of Levine. Applicant respectfully disagrees.

As is set forth in Figure 1 and the Abstract of Levine, it is directed to a low cost inertial navigator and, in particular, a portable strapped-down, navigation system that includes an Inertial Navigation System (INS), a Global Positioning System (GPS) receiver and a 3-Access Magnetometer (MAG). As is clearly set forth in the background section of Levine, it is directed particularly for such a navigation system for use in aircraft. Figure 1 shows the navigation system 100 comprising the GPS

receiver 140, an INS 130, a magnetometer 120, a computing device 110 and a user interface including a keypad 210 and a display 220 (Levine, paragraph [0097]).

Levine discloses that in addition to interfacing the various sensors 140, 130, 120, the computing device also receives input from keypad 210 which may be used to select one of several various operational modes (Levine, paragraph [0102]). Computing device 110 provides output to a user through display 220, as well as an audio input/output 260. In a typical operational mode, computing device 110 receives periodic positional information from GPS receiver 140. Upon receiving such information, computing device 110 reads positional information from the INS 130. This information along with other information (for example, from magnetometer 120, magnetometer table 160, etc.) is processed through filter 200. If the GPS positional information agrees with the INS position, the GPS position is accepted as accurate and the initial point for the INS 130 is set to the present position as determined by the GPS, for example. If, on the other hand, data from the GPS is not believable relative to data from the INS 130, the position supplied by the INS 130 is considered trustworthy and used in lieu of the GPS position (Levine, paragraph [0102]).

Furthermore, once an accurate position is determined by the navigation system disclosed in Levine, the computing device 110 typically obtains a vector angle of the magnetic field at the present position from magnetometer 120. As with a three-dimensional position of the craft, the attitude determined from magnetometer 120 is compared with the attitude read from INS 130. If the magnetometer attitude matches the INS attitude, in light of theoretical accuracy of the magnetometer and the drift rate in the INS 130, the magnetometer attitude is considered accurate and considered the present attitude of the craft. In addition, the present attitude becomes the initial attitude of the craft for subsequent INS calculation (Levine, paragraph [0103]).

As set forth at paragraph [0104] of Levine, a computing device may also use one or more databases to improve the presentation of navigation information on display 220. By way of example, it is explained that a two-dimensional map database can be used to show the craft on a two-dimensional map. By selecting the overall area to display, a user can see his or her position relative to landmarks or can plan a route that they wish to follow. Alternatively, topographical data can be used to

simulate a three-dimensional display to show the position of the craft relative to features of the terrain.

Claim 24 specifically requires that the 3D magnetometer provide data indicative of the current posture of the mobile electronic system based on magnetic measurements made by the magnetometer. Furthermore, the at least one processing component is configured to process the data from the magnetometer for not only enabling a posture related presentation of information via the claimed output component, but also including selecting one of at least two different modes of presentation based on said data provided by said 3D magnetometer. The Office considers the processing component disclosed in paragraph [0102] of Levine to correspond to such at least one processing component. Paragraph [0102] of Levine does mention different operational modes in general, but these modes are not specified to be presentation modes and furthermore, they are clearly selectable by a user via a keypad (Levine, paragraph [0102], lines 8-9).

Levine also states in paragraph [0104] that different modes of presentation of information are possible such as the two-dimensional map and the use of topographical data to simulate a three-dimensional display. However, it is clear from paragraph [0104] that such selection of the presentation of information is performed by the user.

Thus, Levine completely fails to disclose a link between data indicative of a current posture of the navigation system and a selected mode of presentation of information. In Levine, the available sensor data, such as from the GPS receiver 140 and possibly the magnetometer 120, is only used for purposes of determining whether the INS 130 should have its initial point reset to the sensor data, provided that the GPS positional information agrees with the INS position within the tolerance imposed by the accuracy of the GPS and drift rate of the INS. This is considered to be a "typical operational mode" of the navigation system as disclosed in Levine (Levine paragraph [0102], lines 12-14) and thus there is no selection of an operational mode based on the magnetic measurements involved and furthermore, no selection of one or more different presentation modes based on magnetic measurements made by the magnetometer.

In summary, it is clear that a configuration of a processing component for selecting one of at least two different modes of presentation based on data provided by said 3D magnetometer which in turn is based upon the current posture of the mobile electronic system is neither disclosed nor suggested by Levine.

It is therefore respectfully submitted that claim 24 is not anticipated or suggested by Levine.

For similar reasons, independent method claim 15 is also not anticipated or suggested by Levine.

Independent apparatus claim 1 as amended also recites at least one processing component configured to process data indicative of the current posture of the apparatus for enabling a posture related presentation of information to a user via an output component and that the processing includes selecting one of at least two different modes of presentation based on said data indicative of the current posture of said apparatus. For similar reasons as those presented above with respect to claim 24, apparatus claim 1 is also believed to be not anticipated or suggested by Levine.

Newly submitted apparatus claim 25 corresponds to claim 1, but written using means plus function terminology. This claim is also therefore believed to be allowable in view of the remarks presented above with respect to claims 1 and 24.

Since each of the independent claims of the present application is believed to be allowable, it is respectfully submitted that claims 4-10, 14 and 19-23 are further not anticipated by Levine in view of such dependency.

Claim Rejections - 35 USC §103

At page 5, claims 11-13 are rejected under 35 USC §103 as unpatentable over Levine, in view of US patent application publication 2002/0140745, Ellenby, et al (hereinafter Ellenby). Ellenby is cited for showing a 3D magnetometer comprised in a complementary unit external to said user equipment. The combination of Levine and Ellenby fail to suggest claims 11-13 due to the ultimate dependency of these claims from independent claim 24 which is believed to be allowable.

Allowable Subject Matter

Applicant notes that the Office states at page 6 that claims 2-4 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. These claims are still in dependent form since they depend from claims which are believed to be allowable for the reasons set forth above.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

Dated: January 2, 2008

Alfred A. Fressola
Attorney for Applicants
Registration No. 27,550

WARE, FRESSOLA, VAN DER
SLUYS & ADOLPHSON LLP
Building Five, Bradford Green
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955